

### **REMARKS**

In the Official Action, the Examiner allowed independent claims 22 and 35 and all the claims depending therefrom except claims 28 and 41. Such claims, along with claim 8 depending from claim 1, were rejected under the second paragraph of 35 U.S.C. §112 for allegedly being indefinite for the reasons provided on pages 2 and 3 of the Action. Claim 41 was also objected to in the Action. Finally, claims 1-3, 5-10, 13 and 17-21 were rejected under 35 U.S.C. §103(a) on the basis of a combination of prior art documents.

In response to the rejections set forth in the Action, claims 8 and 28 have been amended to use clarifying language without altering the scope thereof and new claim 48 replaces claim 41 and uses the same language. In particular, as explained in the passage beginning on page 5, the claimed polymer can be formed from the defined compound including at least one acidic group and the compound can be present in an amount of 10 mol % or more of the material for copolymerization. This understanding is especially expressed in the last two paragraphs on page 15 of the specification. Accordingly, amended claims 8 and 28 and new 48 are believed to appropriately define this aspect of the invention in full compliance with the provisions of 35 U.S.C. §112.

The present Amendment also corrects a typographical error in claim 36 and amends claims 1-3, 5-10, 13 and 17-21 to recite that the defined planographic printing plate precursor is a negative-type as disclosed in the specification, such as in the first paragraph on page 1 of the specification. As well known in the art and as

explained in the paragraph bridging pages 21 and 22 of the specification, a negative-type planographic printing plate precursor provides image-wise exposed portions which remain after development. The exposed portions are ink receptive and one advantage of the present invention is that a good inking property can be attained (see page 69 for an explanation of the inking property evaluation). In contrast, a positive-type planographic printing plate precursor provides image-wise portions that are removed in a development process and become dampening water receptive portions.

In light of the amendment to claim 1 and the amendments to the claim that were made in the previous Amendment, applicants respectfully submit that all the claims now of record are patentable. The invention defined in claim 1 and the claims depending therefrom are patentable over the cited prior art, particularly Hauck, U.S. Patent No. 6,555,291, and its published PCT counterpart. Hauck relates to thermally imageable elements useful as lithographic printing plates which comprises a support with a hydrophilic surface, an underlayer over the hydrophilic surface, and a top layer over the underlayer which contains a polymeric material, such as a novolac resin, a resol resin, or a mixture thereof, but does not require a compound that functions as a solubility-suppressing component for the polymeric material.

Hauck does not disclose or suggest the invention as defined in claim 1 and actually relates to a fundamentally different technology. In particular, Hauck relates

to a positive-type lithographic printing plate. This understanding is apparent from the disclosure provided at column 13, lines 46-56 which states:

Imaging of the imageable element produces an imaged element, which comprises a latent image of imaged and unimaged regions. Developing the exposed element to form a developed element converts the latent image to an image by removing the exposed regions of the top layer and the underlayer, and exposing the hydrophilic surface of the underlying substrate. The element is **positive working**, in that the underlayer and top layers are removed in the exposed regions when developed with the aqueous developer. The exposed regions become the non-ink accepting regions. (emphasis in bold added)

Therefore, in contrast to the negative-type plate of the invention defined in claim 1, Hauck specifically relates to a positive-type plate. It is noted that in the passage beginning at column 7, line 17, Hauck refers to a negative-working composition which is used for the underlayer. This does not mean that the overall plate is negative-working. Instead, the underlayer is polymerized after the plate is imagewise exposed and developed. This understanding of the underlayer is set forth in the paragraph bridging columns 15 and 16 of the patent.

To provide a greater understanding of the distinct nature of the precursor of claim 1 and the plate of Hauck, provided herewith is an illustration of the respective systems. This illustration shows that while the underlayer of Hauck is formed from a negative working composition, the plate itself is positive working as explicitly described in the aforementioned passage in column 13 of the patent. As such, the disclosed plate is fundamentally different from the negative-type planographic

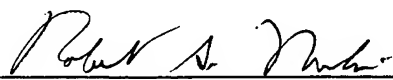
printing plate precursor of the present invention as defined in claim 1 and the claims depending therefrom.

The remaining cited documents have been relied on to show certain initiators. Without conceding the propriety of combining the respective disclosures, the proposed combinations of documents do not alter the fact that the plate of Hauck is entirely different from the defined precursor of claim 1 and any attempt to convert the disclosed positive working plate to a negative working plate would be contrary to the express teachings of the patent and therefore improper. Accordingly, applicants respectfully submit that claim 1 and the claims depending therefrom are also patentable in all regards and therefore request reconsideration an allowance of the present application.

Should the Examiner wish to discuss any aspect of the present application, she is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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Attachment

	Image formation system	Top layer solubility increase upon IR radiation	Under layer is cured by ...	
			IR radiation	UV radiation
Hauck	<p>&lt;Positive type plate&gt; Examples 1, 5 and 6</p> <p>Top layer Negative photosensitive layer • diazo resin • IR absorbing dye</p> <p>&lt;IR exposure&gt; Solubility of top layer increases.</p> <p>&lt;Development&gt; Exposed portion is dissolved.</p> <p>&lt;UV post-exposure&gt; Underlayer is cured.</p>	Yes	No	Yes
The present invention	<p>&lt;Negative type plate&gt;</p> <p>Top layer Negative photosensitive layer • monomer, binder • IR absorbing dye</p> <p>&lt;IR exposure&gt; Lower layer is cured.</p> <p>&lt;Development&gt; Unexposed portions are dissolved.</p>	No	Yes	Yes